

**IN THE DISTRICT COURT OF THE UNITED STATES  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**UNITED STATES OF AMERICA,**

**PLAINTIFF,**

**-versus-**

**JIMMIE HARRIS,**

**a/k/a "Black"**

**DEFENDANT,**

**CRIMINAL NO.: 2:12-0232**

**MEMORANDUM IN OPPOSITION TO  
GOVERNMENTS MOTION FOR  
UPWARD VARIANCE/DEPARTURE**

The Government has Moved for a Variance/Upward Departure despite the PSR's calculated guideline range . Under the calculated range this Defendant has a very limited future. It goes without saying that imprisonment has an adverse affect on health and longevity of an individual.

Furthermore this is the first time that this Counsel has seen the Government take the position that the "vaunted Guidelines" are wrong. We need to face the fact that this Defendant has been in trouble and/or treatment since he was nine (9) years old. He is a shining example of the Sovereign State of South Carolinas neglect of mental health. All that having been said he has saved the Government endless time and effort with this Plea.

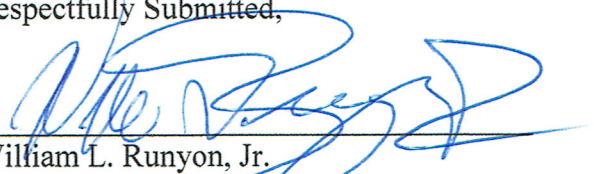
Additionally, his role in the overall scheme was limited to the acts carried out in Walterboro. Frankly he was not a major player so he should not be treated as if he were, particularly when individuals in this scheme benefitted far more and were directly responsible for endangering the lives of many versus this Defendant's actions directed toward one person. It is clear that the Government can discount countless lives when making a deal with a major player in this case yet pontificate when it comes to this Defendant.

Wherefore, we respectfully pray this Government request be denied.

November 12, 2015

Charleston, SC

Respectfully Submitted,



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